

On October 13, 2021, EPA's Office of Brownfields & Land Revitalization held a webinar to assist applicants with preparing applications for the Fiscal Year 2022 **Community-wide Assessment Grants, Site-specific Assessment Grants, Revolving Loan Fund (RLF) Grants, and Cleanup Grants**. Below is a transcript of questions submitted by participants and EPA's response. Responses below may include additional information than what was provided during the webinar.

If you have general questions about EPA's Brownfields Program or questions about a specific site for which you're seeking funding, please contact your Regional Brownfields Contact listed in Section VII. of the Guidelines. If you have questions on how to submit an application through www.grants.gov, please visit the "APPLICANTS" tab on the grants.gov website for information.

GENERAL QUESTIONS & ANSWERS

Q: You mentioned that the guidelines were updated after their initial release (posting). Were any changes made to the ranking OR evaluation criteria since the initial release?

A: Those that subscribed to receive notifications from grants.gov were alerted of the update on October 6, 2021:

1. EPA's intent is to ensure that all types of applicants have an equitable opportunity to compete for Brownfields Grants by limiting applicants to one application. Some governmental units have affiliated organizations that, while technically separate, are as a practical matter acting on behalf of the government and are controlled by the government's elected or appointed executive through his or her supervision of the organization's staff. Nonprofit applicants or other eligible entities may not have the same ability to essentially submit two applications for the competition. EPA is providing clearer guidance on what information will be considered during threshold review when determining if applications are received from the same applicant. Please see Section III.B. of the Guidelines.
2. EPA is clarifying guidance for applicants that would like to partner with entities beyond their jurisdictional boundaries to conduct assessment work. Applicants are not required to partner with other eligible entities; applicants can partner with other interested parties. This language is revised since EPA will not determine eligibility of partners as part of the threshold review. Please review the Summary section of the Guidelines.
3. Entities that have an open Assessment Grant or Multipurpose Grant that plan to apply for a Community-wide Assessment Grant for States and Tribes do not need to meet the 70.00% draw down requirement. The checklist in Section IV.C. is updated to reflect this policy.
4. Section IV.E.4.a. is updated to clarify that applicants may consolidate their responses to 4.a.i. through 4.a.iii. in the same response.

Q: Will multipurpose grants be offered in FY23?

A: We anticipate that Multipurpose Grants will be offered next year, however, it will depend on the availability of funds and program priorities.

Q: Do we have to apply for an assessment grant before applying for a cleanup grant?

A: No, you do not have to apply for an Assessment Grant first.

Q: Can an entity apply for an assessment grant and a cleanup grant for the same site at the same time?

A: No. You will need to conduct an assessment on a site before applying for a cleanup grant for that site. The ABCA is necessary to guide your application for a Cleanup Grant, so, as we understand your question, no, you cannot.

Q: We have an EJ grant submitted to EPA now that is under review. Does our entry with EPA prohibit us from prior to submitting for second grants?

A: No, applying for an EJ Grant does not prohibit you from applying to the grants being discussed today. Eligible activities for EJ Grants do not include the same activities covered by Brownfields Grants. Please refer to the EJ Grant Requests for Applications for details.

Q: Will we have any issues getting grant funding if the project where the grant is being used starts in the winter of 2022?

A: Maybe. Successful applications will have funding available starting October 1, 2022. Pre-award costs incurred following selection notification that are incurred up to 90 days before to the beginning of performance period are allowable without prior EPA approval as provided in 2 CFR 1500.9. However, if the project is for site cleanup any pre-award work involving construction (e.g., excavation of contaminated soil) must comply with Davis-Bacon prevailing wage requirements.

Q: Can you explain EPA's policy on explaining the project in the Narrative.

A: We're asking that applicants not include a project summary or project overview on the Narrative Information Sheet (aka, Cover Sheet). Applicants will, however, describe the project in your Narrative (limited to 10 pages).

Q: Is it okay to follow the practice of using acronyms or abbreviations after long organization or program titles and practice descriptions are written out? Some technical sections would get awkward if not.

A: Yes, that is fine as long as the full name is written out. Please try to limit the use of acronyms, if possible, as an overuse of them can become challenging to keep track of.

Q: If we have support letters - where are they to be placed in the application?

A: Support letters are not required and will not be reviewed. Please do not include any extraneous information in the application package.

Q: Why wouldn't applicants just write the applications to the evaluation criteria rather than the ranking criteria, since there are differences between the two?

A: While sections IV.E. and V. of the Guidelines are similar, the actual text is slightly different. Section IV.E. includes statements that applicants need to respond to in the Narrative. Section V. lists the criteria reviewers will use to evaluate responses.

Q: How will I be notified whether grant was/was not funded/approved; direct e-mail, EPA website, etc.?

A: EPA will notify all applicants (successful and unsuccessful) by email. The persons listed on the Narrative Information Sheet will be contacted -- the project director and the chief executive/highest-ranking official.

Q: Has TAB EZ been updated with the new grant guidelines?

Answered by TAB KSU: Yes. TAB EZ has been updated with the FY22 grant guidelines. New this year is an RLF Template. We are still editing the helpful hints for RLFs.

Q: I had been working with the TAB Center for Creative Land Recycling in Region 2. Now I see according to your chart of TABS that they are responsible for a different region. Can I still work with them since I have developed a relationship with them?

A: Please work with the TAB provider that is responsible for assisting the Region that you are applying to get the work done in.

Grants.gov Forms

Q: For the other forms that need to be attached to the application, on the Preaward Compliance Review Report, are we required to meet all those requirements prior to applying or just prior to being awarded funds? Will it count against us in the ranking if we don't currently meet all those requirements?

A: You must submit the EPA Form 4700-4 Preaward Compliance Review Report with the application package submitted through grants.gov. The information in the Preaward Compliance Review Report will not count against you in the ranking.

Q: What if you are having an issue with getting role assignment (the AOR role) in Grants.gov? What would be our next step so we can get our application in?

A: The E-Business Point of Contact Please must designate an AOR(s) and only the AOR can submit the application. Please work with the grants.gov help desk to resolve the issue.

Q: If I am submitting on behalf of my client, do I use their info for grants.gov, sam.gov, etc?

A: Yes. EPA will only accept applications from entities that are eligible to be awarded the grant. Contractors, including consultants, are not eligible to receive funding. Additionally, the application must be submitted by the applicant's AOR.

Assessment Grants

Q: If there's a regional alliance of economic development authorities of multiple counties and cities, and none of the elected officials from the counties/cities are on the board/managing council, would it still count as having two applications if one of the counties from that alliance/authority also applied?

A: We need more information to respond to this question. These determinations are very fact-specific. Please pose this question to your regional Brownfields contact and we (at HQ) will provide technical assistance. Be sure to provide citations to local ordinances or state laws authorizing the regional alliance.

Q: Similar to the regional planning commission example, can a county apply and perform work in cities within that county under the community-wide assessment?

A: Generally, yes. However, the county must be able to access sites (via ordinance or agreement).

Q: Do those formal agreements/MOA with other jurisdictions need to be executed before Dec 1? Or can these be done if/when the grant is awarded?

A: No. We would encourage you to do it on the front end if possible; however, the agreement does not need to be executed by December 1. If selected for funding, the recipient must execute the MOA before any grant funds are expended.

Q: For assessment waiver amounts - does the one-page count towards the maximum of 10 pages?

A: No, the waiver request does not count toward the 10-page limit. The request is an allowable attachment.

Q: Just to confirm, there is no cost share for Assessment Grant?

A: Correct, there is no cost share requirement for Assessment Grants.

Cleanup Grants

Q: Can you apply for cleanup grants on top of the Tribal Response Program funding?

A: Yes.

Q: Can Cleanup Grant funds be used to reimburse for work performed prior to grant award?

A: As a regulatory matter, under 2 CFR Part 1500.9 and the 2 CFR Part 200 Cost Principles costs incurred up to 90 days prior to award may be allowable if incurred in anticipation of award (after notification of selection). Refer to [FAQ](#) G.9. One frequent barrier to the allowability of pre-award costs for Cleanup Grants is compliance with Davis Bacon prevailing wage requirements.

RLF Grants

Q: Is the RLF a grant or a loan?

A: The RLF is a capitalization grant that recipients use to provide loans and subgrants. EPA itself does not make loans for brownfields cleanups.

THRESHOLD CRITERIA QUESTIONS AND ANSWERS GENERAL QUESTIONS & ANSWERS

General

Q: What was that liability date? Jan 11, 2002? Is that a recent change and just related to eligibility for USEPA BF grants?

A: Jan 11, 2002, is the correct date and it is not a recent change. The Brownfield Program's authorizing statute, CERCLA, was amended by the Small Business Liability Relief and Brownfields Revitalization Act and signed into law on January 11, 2002.

Q: Do school districts qualify for the Hardship Waiver?

A: All RLF Grant applicants are eligible to apply for a hardship waiver. Only the following Cleanup Grant applicants are eligible to apply for a hardship waiver: tribes, nonprofit organizations, and government entities (with populations of 50,000 and fewer).

Q: There are cases in Alaska where contamination from long-standing deteriorating structures are potentially contaminating soil. The site could be owned by a native or regional corp. Some, as a result of climate change. (flood, wind, erosion). Under what circumstances are these sites eligible?

A: We do not have enough information to answer this question. These determinations are very fact-specific. Please pose this question to the Region 10 Brownfields contact and we (at HQ) will provide technical assistance if necessary.

Q: I was under the impression that States no longer had to make a site eligibility determination for petroleum sites due to the 2018 changes to the Brownfield Law. Please confirm if that is still true.

A: Yes. States still make site determinations for petroleum sites for non-tribal applicants.

Contractor/Subawards

Q: As per contractor procurement, if the applicant has already secured a contractor per federal procurement standards, do they have to include the contractor's name? Can they still answer not applicable then in the threshold criteria?

A: No. EPA does not require or encourage applicants to name procurement contractors (i.e., the name of the firm/individual). If you do not include the contractor's name, then you reply 'n/a' in response to the threshold criterion.

Q: Guidelines refer to a contractor and that services must be procured competitively. Does this apply to the guy in the field digging dirt/doing the site remediation work or the consultant?

A: The person that is doing the physical work generally works for the contractor (including a consultant) that you procure competitively. As long as the contractor is procured competitively, how the contractor selects the field personnel is not subject to EPA requirements other than those prohibiting discrimination that violates the Civil Rights Laws.

Q: If a contractor under a previous and related (e.g., continued work on a site) procurement is being considered for work on a new grant, can the previously procurement process be described? Under what circumstances would a new procurement be necessary?

A: It depends on the scope of work for the contract, when it was awarded, and whether the rates are reasonable. For example, if the scope of work was to clean up Site A then that contractor could not be used to clean up Site B on without following competitive procedures. On the other hand, if the contractor was competitively selected on a "requirements" basis for all cleanup services that a nonprofit or unit of government needs for 5 years, then there is no need to re-compete as long as the recipient verifies that the rates are consistent with market prices in the area.

Q: If the City is the Applicant/Owner of the site who leases the land to a nonprofit who is hiring a general contractor who hires a subcontractor to replace the contaminated dirt, who is the contractor and which of these entities must be competitively awarded? The nonprofit will be using EPA grant funds to hire the general contractor.

A: The City must be the grant recipient since the City owns the site. Then the City can make a subaward of the EPA funds to the non-profit. Since the 2 CFR Part 200 procurement standards "flow down" to the nonprofit subrecipient, the nonprofit must follow competitive procurement requirements to hire the general contractor. How the general contractor selects the sub-contractor is not governed by the Federal rules on competition, but the subcontractor must comply with Davis Bacon requirements and cannot be suspended, debarred or otherwise excluded from participating in Federally funded programs. The general contractor must also comply with Civil Rights Laws and EPA' 40 CFR Part 33 Disadvantaged Business Enterprise rules when selecting subcontractors for EPA funded projects.

Q: Should the "named" contractor in the threshold also be mentioned in the narrative?

A: Yes, along with a description of the competitive process you followed in selecting the contractor.

Assessment Grants

Q: Is the site-specific Grant a defined geographic site and/or can it consist of a specific geographic site that includes multiple -property owners, e.g., a city park, private owners, and tribal property all agreed to partner?

A: Site-specific Assessment Grants are limited to one site. We leave it to the applicant to define the boundaries of the site.

Q: What public outreach is required under an assessment grant?

A: All applicants must respond to the Community Involvement threshold criterion: "Provide information that demonstrates how you intend to inform and involve the community and other stakeholders in the planning, implementation, and other brownfield assessment activities described in your application." Additionally, please review the Community Engagement Criteria in Section IV.E.2.b.

Cleanup Grants

Q: We formed an LLC for the brownfield cleanup project that is a wholly-owned subsidiary company of a parent owned 501(c)(3). The parent entity is exempt from federal taxation under Section 501(c)(3) of the Internal Revenue Code. Is it my understanding that applicable IRS pronouncements, the tax-exempt status of parent entity is attributed to the LLC that was formed. There is no separate filing requirement to recognize the LLC as tax-exempt. Its income and operations are reported as part of the tax filings of its parent the 501(c)3. Am I correct that the LLC would be eligible?

A: Yes. Refer to the list of eligible entities at CERCLA 104(k)(1). The circumstances you describe fall under the new types of eligible non-profit entities added by the BUILD Act which include at CERCLA 104(k)(1)(J) Limited Liability Corporations in which all managing members are non-profit organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code.

Q: Can an entity apply for a cleanup grant if they own the property where the release occurred but the only cleanup that still needs to occur is for an offsite adjacent property that is not owned by the entity applying for the grant? The contaminants on the offsite property originated from the property owned by the applicant.

A: No. By statute, recipients must own the site being cleaned up. Additionally, the grant recipient cannot be liable for the contamination.

Q: If property is currently privately owned and clean-up to be done by private owner with eventual expectation to transfer to federal government (NPS) would it still be eligible for a clean-up grant?

A: No. The property to be cleaned up has to be owned fee simple title by an eligible entity or non-profit organization by Dec 1, 2021. We presume that the "private owner" you refer to is an individual or for-profit firm rather than a non-profit organization. Eligibility is determined at the time of application and sites owned by individuals or for-profits are not eligible for clean-up grants. Sites owned by the Federal government are also not eligible for cleanup grants but the fact that an otherwise eligible site that is cleaned up is transferred to the Federal government after the grant is closed out does not matter.

Q: Is lease holding the same as ownership?

A: Typically we require fee simple title. EPA may approve a different ownership agreement (for example, a nominee agreement or a 99-year irrevocable lease). Please reach out to the Brownfield Contact listed in Section VII. of the Cleanup Grant Guidelines to discuss your situation in more detail.

Q: If an applicant for a cleanup grant has something other than fee simple title (99 yr groundlease, etc.) could they be eligible to apply?

A: Maybe. EPA considers arrangements that are functionally similar to fee simple ownership on a case-by-case basis. Eligibility depends on the nature of the lease (revocable or irrevocable) as well as other circumstances. Recommend posing the specifics to your Regional brownfields contact.

Q: If an owner is ineligible because they do not meet the eligibility requirements (does not qualify for a defense or exemption to CERCLA liability), can another entity such as a nominee or holder of a 99-year groundlease still qualify as the owner for purposes of a cleanup grant application?

A: Probably not. While we would need more details to make a final determination, it is likely that under the circumstances you described, there would be affiliation issues associated with the relationship between the site owner and the nominee or leasee. Please contact your regional office with the specifics regarding the site if you would like to suggest such an alternate ownership arrangement.

Q: If no documentation that Phase I ESA was performed at time site was acquired in 2002, can it be done now to meet threshold requirements?

A: You cannot retroactively conduct environmental due diligence for a property that was already acquired. AAI only applies to future acquisitions to meet the threshold criteria. Please contact your regional Brownfield contact listed in Section VII. in the guidelines to discuss your circumstance further.

Q: Will an asbestos survey qualify as sufficient assessment for cleanup and abatement of a structure?

A: If the type of contamination being applied to be cleaned up in the Cleanup Grant application is asbestos, then yes, so long as the survey is done by an environmental professional. EPA may also accept a Hazardous Building Material Inventory documents which include asbestos, and other eligible contaminants, as an equivalent Phase II environmental site assessment report.

Q: If the applicant has met with the community to discuss the submission of application before Dec 1., should they include this information in the threshold section or in the narrative?

A: Yes. If you are applying for a Cleanup Grant, then information on notifying the community about the project and your intent to apply for funding must be included as a response to the threshold criterion. You will also discuss community involvement/outreach information in the narrative section, per the criteria outlined in Section IV.E.1.b.i. and Section IV.E.2.b.

RLF Grants

Q: Is there a cost share for a new subgrant from a closed RLF grant?

A: EPA's Closeout Agreements do not require that the RLF recipient require cost shares for subgrants made after the RLF grant is closed. RLF Grant recipients (under open or closed RLF agreements) may require cost shares from subgrantees based on their own policies. Questions regarding subgrantee cost shares should be posed to the RLF Grant recipient.

PROJECT AREA DESCRIPTION AND PLANS FOR REVITALIZATION QUESTIONS & ANSWERS

Q: Is there a minimum or maximum number of target sites that should be included in the application?

A: No, there is no minimum (above one) or maximum number of target sites for the Community-wide Assessment Grants.

Q: "In Section 1.a.ii., "information about past and current land uses, current site conditions (including structures), and potentially related environmental issues" was removed from the evaluation criteria but kept in the ranking criteria. Was this a mistake?

A: No, this was intentional. Section IV. states "Include information such as past and current land uses, current site conditions (including structures), and potentially related environmental issues." (emphasis added). In the Guidelines, we provide examples of what information applicants can include to respond to the criterion. Applicants may, however, provide other information that fits their circumstances. We revised Section V. to ensure reviewers are evaluating whatever the applicant chooses to include in the narrative.

COMMUNITY NEED AND COMMUNITY ENGAGEMENT QUESTIONS & ANSWERS

Q: When looking at the population of a "small community" is that the population of the actual community/target area or the population of city/county the community/ target area is in?

A: For 2.a.i. - it's the same community that the applicant describes in response to 1.a.i. Background and Description of Target Area. "Provide a brief description of the city(ies), town(s), or geographic area(s) targeted by this application to provide background on its cultural and/or industrial history that establishes the brownfield challenges and their impact."

Q: What is considered a "small" community? population? square footage?

A: This criterion considers the population of the community. We do not have a threshold of what is 'small', so we leave it to the applicant to make their case as to why the community is small. Certainly, communities with less than 50K in population are considered small.

Q: Can specific neighborhoods or census tracts count as "low-income communities" even if they are located within the applicant's large city jurisdiction? Many applicants have populations with severe needs, but not in isolated small towns or cities.

A: Yes. EPA asks applicants to describe how this grant will meet the needs of the community(ies) (i.e., the city(ies), town(s), or geographic area(s) targeted in this application). This may include "geographic areas" defined by neighborhood or census tract.

Q: Would EJSCREEN values help (e.g., percentiles) or just describe the EJ issue (e.g., low income, minority neighborhood)?

A: Decisions like this are up to the applicant. Please include any information that you feel will help tell the community's story - quantitative and/or qualitative.

Q: Will the community needs & engagement consider green gentrification issues?

A: Decisions like this are up to the applicant. We do not explicitly request applicants to consider green gentrification issues, but you may include such information if it is important/relevant to the issues faced by the community.

TASK DESCRIPTIONS, COST ESTIMATES, AND MEASURING PROGRESS QUESTIONS & ANSWERS

Q: Please discuss the environmental insurance that is now an eligible expense.

A: [FAQs](#) G.7. and G.8. discuss eligible costs for environmental insurance. Please contact the Brownfield representative listed at the end of this presentation or in Section VII. of the Guidelines for additional details if your question is not answered by the FAQs.

Q: Could lead service line replacement be an applicable project for funding?

A: No. Lead service line replacement is not an eligible cleanup cost that can be funded through these grants. Only assessment and cleanup work, along with eligible cleanup and redevelopment planning are eligible expenses. EPA has other grant programs authorized by the Safe Drinking Water Act (e.g., Assistance Listing 66.443) for lead service line replacement.

Q: Can we use assessment grant funds for site stabilization needs before assessment can take place if the site is unsafe to enter?

A: Generally speaking, no. Site stabilization costs are generally not eligible for Assessment Grant funding. There are limited exceptions based on very unusual site conditions. Strong justification supported by engineering analyses would be necessary as a minimum. Please coordinate with your regional BF contact with site-specific information.

Q: What would be considered as a "health monitoring activity"?

A: Please see EPA's fact sheet on Brownfields and Health Monitoring: <https://www.epa.gov/brownfields/brownfields-public-health-and-health-monitoring>. Some additional details on health monitoring are provided in the FY 2022 [FAQ](#).

Q: Do we need to specify the portion of our grant request is dedicated to hazardous vs petroleum, or are they interchangeable this time?

A: No. You do not have to break out Haz/Petro funding in your Cost Estimates or Budget table. However, you may include detailed information in the description of the Cost Estimates if you feel it will provide a clearer response.

Q: Is there a planning budget requirement for Assessment Grants?

A: No - there is no requirement to include planning activities in the budget, but applicants may choose to do so since planning is an allowable cost.

Q: Do concept plans count as part of the 60% of site-specific work (not clean up planning, but redevelopment sketches). I.e., concept sketches for a specific site and can be for marketing purposes.

A: Site marketing costs are not eligible. Refer to [FAQ G.11](#).

Q: Will a higher percent of allocation of funds to site specific assessment be evaluated more favorably to the 60% threshold?

A: A budget with 70% allocated towards site-specific work will not be reviewed more favorably than one that allocates 60%.

Q: Is there a limit on the dollar amount that an individual site within a community-wide assessment can be allocated?

A: Yes. There is a limit of \$200,000 that can be spent on one site. Site-specific Assessment Grants allow for a waiver for a specific site up to \$350,000.

PROGRAMMATIC CAPABILITY AND PAST PERFORMANCE QUESTIONS & ANSWERS

Q: Is the past performance of grants applicable to only federal grants or can it include state grants that we have administered?

A: No. Past performance information is not limited to Federal grants. You can also include information about state grants.

Q: What is EPA looking for as a response for the criteria Organizational capacity?

A: EPA is looking for information that speaks to whether the organization that is applying has the capacity to manage a brownfields grant.

Q: For Section 4, if a locality has received a brownfields assessment grant, direct assessment would *not* include cleanup planning, or site redevelopment planning, but purely Phase I and II and ACM/LBP surveys possibly?

A: Correct!